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THE RIGHT TO DEVELOPMENT

Report of the Secretary-General submitted in accordance with Commission resolution 2000/5

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Introduction

In its resolution 2000/5, the Commission on Human Rights requested the Secretary-General to submit to its fifty-seventh session a comprehensive report on the implementation of the various provisions of the resolution. Accordingly, on 29 August 2000, the Office of the High Commissioner for Human Rights sent notes verbales to States and international organizations soliciting information relevant to the resolution.
By 30 November 2000, the Office had received replies from the Governments of Azerbaijan, Burkina Faso, Cuba, the Czech Republic, India, Iraq and Kuwait and from UNESCO. Owing to translation requirements, the response of the Government of Azerbaijan will be contained in an addendum to the present report (E/CN.4/2001/24/Add.1).

I. REPLIES FROM GOVERNMENTS

Burkina Faso

[Original: French]
[20 November 2000]

1. The Government of Burkina Faso reports the following developments relating to the implementation of the right to development:

(a) The existence, since 1995, of a Letter of Intention on Human Development Policies. The document centres the development strategy of the country on the concept of human security;

(b) The implementation of several important sectoral development programmes;

(c) The application of the participatory approach in the elaboration of development policies and strategies;

(d) The promotion of good governance;

(e) A new orientation of the Government towards better coordination of public aid for development.

2. The Government is implementing these programmes, policies and strategies with a view to establishing better living conditions, notably for the most disadvantaged people.

Cuba

[Original: Spanish]
[27 September 2000]

1. The Government of Cuba regrets the failure of the open-ended Working Group on the Right to Development to achieve progress in fulfilling its mandate and in facilitating the application of the Declaration on the Right to Development.

2. Cuba considers that this failure stems from a lack of political will on the part of the majority of developed countries and the intention of these countries to protect the fundamental

injustices of the international economic order. As a result of this, the Government of Cuba notes that the Working Group was unable to meet successfully prior to the fifty-sixth session of the Commission.

3. The Government of Cuba believes there are several obstacles to the effective implementation of the Declaration. Even though the Vienna Declaration and Programme of Action affirmed that the right to development is a fundamental and inalienable right and an integral part of fundamental human rights, various industrialized countries are still attempting to question the right and to reformulate its content.

4. The Government of Cuba notes that international cooperation for the realization of the right to development is an inherent right of the people of the South.

5. Cuba identifies obstacles to the implementation of the right at both the national and the international level. The list is not considered to be exhaustive, although it highlights areas needing urgent action on behalf of the international community as a means of implementing the right to development. At the national level, Cuba notes:

(a) A failure of political will by some Governments to provide for certain sectors of the population, which has the effect of marginalizing them through poverty, illiteracy and malnutrition;

(b) Resource limitations and insufficient allocation of resources for policies and programmes directed to training and improving human capital and infrastructure needed for development;

(c) Unequal distribution of resources and property within countries;

(d) Insufficient popular participation in the decision-making mechanisms in the political, economic and social fields;

(e) Limitations on the ability of States to redistribute national resources, owing to the processes of privatization and the restructuring of public structures brought about by the implementation of neo-liberal policies. This question is particularly relevant to the ability of States to provide basic services.

6. At the international level, obstacles include:

(a) The removal of capital from southern economies as a result of external debt servicing;

(b) The presence of unequal conditions of trade between developed and developing countries. The prices of commodities have decreased while the price of oil has escalated during 2000, a situation that has aggravated the situation in developing countries as net importers of fuel;

(c) The actions of the transnational corporations that monopolize the main international markets, imposing their own prices on the market while at the same time being almost entirely excluded from paying taxes as a result of the need for competition imposed by neo-liberal globalization;

(d) Sustained decreases in overseas development assistance together with the conditions imposed by donor countries related to the provision of development assistance, which acts to the detriment of developing countries' capacity to determine their own development priorities and programmes;

(e) The imposition of barriers to trade by developed countries, which acts to block market access for traditional exports of developing countries;

(f) Monopolistic control of technology through patents by developed countries and transnational corporations, and the imposition of numerous obstacles to the transfer of technology and knowledge;

(g) The imposition by developed countries of policies that have led to the brain drain from developing countries, which is setting back training programmes for development in developing countries.

7. The Government of Cuba believes that human solidarity should win out over the unjust neo-liberal concepts that serve as the pillars of the present international economic order.

8. The recent convening of a South Conference in Havana provided a modest attempt at enhancing South-South cooperation, with the objective of promoting the full realization of the right to development for peoples in the region. North-South cooperation is in need of similar encouragement.

9. The full realization of the right to development as well as the eradication of poverty for all individuals and all peoples of the planet will play an important role in providing solutions to the main challenges currently facing humanity.

10. Cuba reiterates its willingness to participate actively in the work of the Working Group and hopes that the Working Group will take significant steps towards the realization of one of the most important human rights - the right to development - that unfortunately has not received the attention it merits by the United Nations.

Czech Republic

[Original: English]
[20 November 2000]

The Czech Republic has forwarded to the Office of the High Commissioner for Human Rights the United Nations Development Programme publication Human Development Report: Czech Republic, 1999 by letter dated 20 November 2000. The Office has forwarded a copy of the report to the Chairperson of the Working Group.

India

[Original: English]
[15 November 2000]

1. The Government of India notes that 50 years after the adoption of the Universal Declaration on Human Rights the world is nowhere close to realizing the goal of the "inherent dignity of man", promised in the Universal Declaration, for millions of people around the globe.

2. The Declaration on the Right to Development was the culmination of a long process leading to recognition of this right as an integral part of human rights. The Vienna Declaration and Programme of Action reaffirmed its status as a universal and inalienable right. Despite these important gains on the conceptual plane, there has been little progress towards the realization of the right to development. Far too much energy has been wasted on discussion of the importance to be given to the two sets of rights. However, since all rights are indivisible and interdependent, and more particularly since - in the opinion of the Government of India - the right to development represents the synthesis of the two sets of rights, such debate ought to give way to discussion of steps to operationalize the right to development. This then should be the focus of the open-ended Working Group on the Right to Development.

3. In the view of the Government of India, the existence of poverty cannot be a justification for the denial of civil and political rights. The Government emphasizes that poverty and lack of development constitute a major hurdle in achieving the enjoyment of all human rights by those who are beset by deprivation. Vanquishing poverty and promoting development must, therefore, become a priority. The Government of India notes that it is proud to live in a world where the torture or arbitrary detention of an individual in one corner of the world becomes a matter of concern for the entire international community. At the same time, if millions of human beings wallow in abject poverty, the international community cannot and should not remain indifferent.

4. The realization of the right to development requires effective policies at the national level as well as equitable economic relations, a conducive economic environment and cooperation at the international level. The Declaration assigns to States the right and the duty to formulate appropriate national development policies, aimed at the constant improvement of the well-being of the entire population and of all individuals. States ought to perform this duty efficiently and effectively. Democracy and transparent, accountable and participatory governance alone can ensure that the actions of States in this area are in the best interests of their people. The function of a watchdog can be best performed only by the people of the country who are the best judges of their needs and priorities and how resources should be allocated by their Governments. Prescriptive norms imposed from outside are counterproductive and contrary to the sovereign equality of States recognized in the Declaration itself. It needs to be ensured that concepts such as an international compact do not become a tool for conditionalities or for cross-conditionalities.

5. The independent expert has correctly pointed out that developing countries are starved of resources and that they lack adequate means to realize a reasonably high growth rate of their economies or standards of living. Article 4 of the Declaration recognizes the need for effective international cooperation to provide these countries with appropriate means and facilities to foster their comprehensive development. Unless this aspect is attended to, the frequently advocated human rights approach to development will remain ineffective.

6. The existence of a right necessitates the performance of a corresponding duty by someone to ensure its fulfilment. Such duty in respect of the right to development devolves not only upon States, but also upon the international community. States cannot discharge their obligations in a perfect manner if the fulfilment of international obligations remains imperfect. Further, the Government of India notes that the world today is a global village where national boundaries no longer guarantee that a country will be invulnerable to external economic influences. These factors form the basis for international action for the realization of the right to development.

7. An important step towards providing resources for development in developing countries would be to arrest and reverse the declining trend in official development assistance and the flow of external resources to developing countries. At the same time, it is essential to create a conducive international environment by removing the inequities that plague the international economy. In this context, some of the key areas needing attention are as follows:

(a) Greater say for developing countries in global macroeconomic decision-making;

(b) Restructuring the international financial system to remove existing inequities;

(c) Reviewing the role of international financial institutions in setting conditions for the realization of the right to development and giving a greater say to developing countries in the functioning of those institutions which ought to be totally transparent;

(d) Bridging the technological and knowledge gaps between developed and developing countries in an equitable manner;

(e) Promoting an open and equitable trading system geared to promoting better access for developing countries in developed markets;

(f) Finding a comprehensive and sustainable solution to the external debt crisis of developing countries.

8. The Government of India noted that the above areas have already been the subject of examination in other international forums. However, it is important to clearly spell out a human rights perspective and to monitor the actions from the same perspective. The Government would like the Working Group to authorize the independent expert to prepare a detailed study on the above and other related aspects of the international dimension of the right to development in consultation with the other concerned human rights mechanisms, for examination by the Working Group.

9. India has taken several steps in the recent past in relation to the implementation of the right to development. The Union budget for the financial year 2000-2001 aims to put India on a path of sustained, equitable and job-creating growth of 7-8 per cent per annum, with a view to eradicating poverty from India within a decade. Particular emphasis has been placed in the budget on strengthening the foundations of the rural economy, human resource development, universalization of primary education, women's and child health, and a review of all existing legislation and government schemes to promote the role of women in the national economy. In

spite of its resource constraints, India has not neglected the international cooperation aspect of the right to development. Thus, to mention just one example, the Government has been providing around 5 billion rupees annually for technical and economic cooperation with other developing countries.

Iraq

[Original: English]
[6 September 2000]

1. The Government of Iraq notes that in spite of the efforts aimed at implementing the right to development, particularly since this right enjoys international recognition as an inalienable right, many obstacles still persist and hinder its fulfilment and implementation.

2. Development requires a minimum of political stability, peace and security at the national, regional and international levels. It also requires the establishment of fair and equal economic relations and strong international cooperation between States. This cooperation includes as one of its goals assisting the poor States in implementing the right to development and enhancing their economy.

3. The Government of Iraq affirms the right to self-determination and the exercise of its permanent sovereignty over its resources and rejects all forms of external hegemony and domination, often practised through transnational companies, or any other form of predominance against developing countries with the aim of exploiting their resources and wealth.

4. The economic sanctions imposed by the Security Council on a number of States which are often developing countries, as well as unilateral coercive actions, are obstacles which hinder the implementation of the right to development. These obstacles result in human and material losses to the process of development which need many years to be repaired, especially when these sanctions persist for a long and even unlimited period.

5. Foreign military aggression, waged by some great powers without the approval of the United Nations, causes great damage that affects the developmental process of the targeted countries together with other third countries. Such measures disturb the peace and security in the region, which constitute one of the foundations for development.

6. Economic relations based on the policy of polarization and the many attempts by a number of wealthy States aimed at imposing a certain kind of economic order on the world in order to serve and achieve their interests cause severe economic crises for developing countries and adversely affect the implementation of the right to development.

7. The problem of foreign debt, structural adjustment programmes, the globalization of the world economy, unequal access to markets, the collapse of commodity prices and speculation in hard currencies all constitute obstacles which hinder development, and cause damage to the political independence of developing countries, to their developmental economic policy and to their capacity to foresee the development of their economic situation on both the national and international levels.

8. The implementation of the right to development should not be limited to only providing food, health care, housing, education and some vital services, but it should also be considered in every practical aspect related to achieving progress and development in all economic (including industrial and agricultural), social and cultural fields.

9. It is also important that the Declaration on the Right to Development be included in the International Bill of Human Rights.

Kuwait

[Original: Arabic]
[20 October 2000]

1. The Government of Kuwait is highly concerned with human rights and development-related issues. This concern is reflected in the State's adoption of measures at both the national and international level. At the national level, the Government has emphasized that the focal point of development is human beings. Accordingly, Kuwait has endeavoured to improve the standard of living of its citizens and to ensure that they enjoy protection, care and a decent life, as illustrated by the following:

(a) The Government established in 1974 a Public Housing Authority which has overseen the completion of numerous construction projects within the framework of comprehensive development plans. In addition, a housing loan of KD 70,000 is made available to enable citizens to construct homes;

(b) The Government believes in the right of everyone to education. This right is guaranteed under articles 13 and 40 of the Constitution. The illiteracy rate among Kuwaitis, as shown by the 1998 census, has declined to 4 per cent for men and 12.5 per cent for women;

(c) The Government safeguards everyone's right to enjoy the highest standard of physical and mental health. Accordingly, numerous general and specialized hospitals and health centres have been established in all parts of Kuwait. In 1998, government expenditure on health care amounted to KD 287.5 million. The Government has established maternal and childcare centres in all parts of Kuwait and is committed to ensuring the supply of pure drinking water to the homes of all its inhabitants;

(d) The development process of Kuwait is structured in such a way as to provide job opportunities for individuals in various fields of work. Everyone is completely free to choose the type of work, according to training and ability;

(e) The Government is attempting to ensure the provision of basic goods through subsidizing commodities;

(f) By law, all citizens and non-citizens enjoy the social services provided by the State including social welfare institutions for the elderly, incapacitated, disabled and other special categories requiring social assistance;

(g) The Government shows great concern for women, who form a competent workforce in various labour sectors. In this connection, by 1996 women constituted 28 per cent

of the total national workforce in various labour sectors. Far from being confined to participation in the wage-earning workforce, the role of Kuwaiti women also extends to participation in social service and voluntary work through national associations which are active in various fields and which monitor and propose solutions to women's problems in collaboration with governmental and private bodies and institutions.

2. The following initiatives are relevant at the international level. Kuwait is among the principal aid-donating countries by virtue of its desire to ease the burden of poverty in developing countries. The most noteworthy of these efforts is the Kuwait Fund for Economic Development which was established in 1961 to help Arab and developing countries to develop their economies by providing soft loans at very low interest. On 31 December 1998, the Fund's capital amounted to KD 2,000 million (more than US$ 6 billion) and the value of its loans to 89 beneficiary countries amounted to KD 2,768.7 million.

3. The other national institutions that are playing a role in this field include the Kuwaiti Beit al-Zakat, which is undertaking humanitarian work and endeavouring to contribute to socio-economic development in other countries. The Beit's total expenditure in the field of development and assistance amounted to KD 4,601,734 in 1996. According to the Government of Kuwait, Kuwait is providing aid for many countries of the world and such aid accounts for 3-4 per cent of the gross national product, which is higher than the 0.7 per cent target specified in Commitment 9 in the Copenhagen Declaration on Social Development of 1995.

4. The Government of Kuwait also emphasizes that the development process and the realization of the right to development requires not only stability and ongoing peace and security at the national, regional and international levels, but also a favourable environment for the realization of this right and the elimination of obstacles impeding its enjoyment. Kuwait suffered from an interruption to its development process owing to the war that was launched against it by Iraq. The damage and losses resulting from the occupation extended to all the country's sectors and activities. In light of this experience, the State of Kuwait can affirm that, in order to establish an economic, political, social and cultural environment conducive to the realization of the right to development, all States should refrain from the use or the threat of force as a means to settle disputes and should likewise abstain from military invasion or the annexation of territory by force, from any form of aggression against the territorial sovereignty of other States and from any provocative or hostile acts against neighbouring States.

III. REPLIES FROM INTERNATIONAL ORGANIZATIONS

UNESCO

[Original: English]
[24 November 2000]

1. UNESCO observes that the interlinkages between development and poverty eradication and the respect for human rights, which are strongly emphasized in resolution 2000/5, are in line with UNESCO's approach to development and poverty eradication. UNESCO acknowledges that development is a human right, the realization of which is accelerated through poverty eradication. Extreme poverty and thus the lack of basic social services is a violation of human rights because extreme poverty is the main obstacle to the implementation of all human rights - civil, cultural, economic, political and social.

2. UNESCO is involved in understanding the root causes of poverty and non-implementation of the International Bill of Human Rights - whether they have their origins internationally or nationally, or in economic, social, cultural or political structures. In implementing the right to development, UNESCO's actions emphasize the following dimensions: the exercise of human rights as a guiding principle of development; endogenous capacity-building and human resource development through education at all levels and throughout life; democratic and participatory governance; the incorporation of cultural factors in development strategies; environmental awareness; and harnessing science and technology for development.

3. UNESCO takes a rights-based approach to development which is two-pronged, emphasizing civil and political rights on the one hand - in particular people's right to freedom of expression and participation - and to economic, social and cultural rights on the other hand, in particular people's freedom from want. These two cannot be divorced from each other. Poverty eradication strategies will best be realized through participatory development. Participation makes development more demand driven, bottom-up, rather than top-down and supply driven. Building human capacities and ensuring good governance constitute inseparable elements of the right to development.

4. The Brasilia Consensus (Declaration of the Regional Summit for Political Development and Democratic Principles), adopted under the auspices of the UNESCO DEMOS programme stated that nations "must conclude a new pact, on global governability. It will include a new moral contract for peace and new arrangements to make international economic flows equitable, to control financial speculation and to democratize communications so that a system of shared development may be constructed".

5. In order to contribute to the international target of halving the proportion of people living in poverty by 2015, UNESCO's General Conference, in resolution 53 adopted at its thirtieth session in 1999, invited the Director-General to make poverty alleviation a long-term priority for UNESCO in the twenty-first century in all its fields of competence. In response to this, UNESCO has formulated a Strategy on Development and Poverty Eradication for UNESCO, which will be implemented through an integrated approach coordinated by the Management of Social Transformations (MOST) Programme and involving all the programmes of the organization. Through this common framework, UNESCO will focus on driving policy makers at all levels towards addressing poverty as the top priority, and therefore aim at reinforcing public, private and societal efforts against poverty. For that purpose, the framework will include activities that will focus on three major lines of action:

(a) Empowering the poor and building their capacity to advocate and claim their rights, negotiate through effective participation, and support the design and implementation of policies that affect them;

(b) Assisting member States to achieve the international development agenda by maximizing their capacities to design pro-poor policies within UNESCO's mandate;

(c) Engaging, through advocacy vis-à-vis empowered actors and groups, a deeper commitment to poverty eradication and a better understanding of the ways in which the persistence of poverty violates human rights and undermines the welfare of all.

6. Operationalizing rights-based approaches to poverty will be one of the priority areas that will form the basis for activities within the framework for 2002-2007. In implementing actions for poverty eradication under this thematic area, UNESCO will encourage the recognition of broad and diverse linkages between rights and poverty. Further, UNESCO will commission research and disseminate information about statutory policies and actual practices with respect to all rights at the international level; national-level improvements to existing policies and practices will be encouraged and civil society organizations will be empowered, especially those of the poor.

7. Another priority area will be "empowering people through education and training". This priority area will be promoted as an element of the follow-up to the Dakar Framework for Action adopted at the World Education Forum in April 2000. In this context, UNESCO's strategy for poverty eradication will emphasize access to basic education for all as a human right which is in keeping with paragraph 6 of the Dakar Framework for Action.

8. UNESCO's poverty eradication strategy will also give a framework to UNESCO's involvement in the United Nations Development Assistance Framework (UNDAF) and PRSPs (poverty reduction strategy papers). Given this commitment, UNESCO encourages Governments to call upon it for active participation in the design and implementation of their PRSPs and UNDAF.